

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARNETTA SWIFT (NEE) HILL, and  
CHARLES SWIFT,

Plaintiffs,

vs.

BRENDA OSLER,

Defendant.

**8:17CV440**

**MEMORANDUM  
AND ORDER**

On December 8, 2017, after conducting an initial review of the Complaint, the court ordered Plaintiff to file an amended complaint within 30 days or face dismissal of this action. ([Filing No. 6.](#)) On December 12, 2017, Plaintiff filed an interlocutory appeal of the court's order on initial review. ([Filing No. 7.](#)) On February 21, 2018, the Eighth Circuit Court of Appeals dismissed Plaintiff's appeal for failure to prosecute and issued a mandate. ([Filing No. 14](#); [Filing No. 15.](#)) To date, Plaintiff has not filed an amended complaint or taken any other action in this matter.

IT IS THEREFORE ORDERED that: This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this court's orders. The court will enter judgment by a separate document.

Dated this 28th day of February, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge